



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. Reuben J. Waller, Jr., Vice-Chairman
Dr. William P. Brown
Mr. J. Dale Patton
Dr. Edgar V. Wallin
Mr. Kirk Turner, Director of Planning

ALSO PRESENT:

Mr. Michael Tompkins, Assistant Director of Planning
Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Steve Haasch, Planning Manager,
Planning Department
Ms. Bonnie Perdue, Planning Operations Administrator and Clerk
Planning Department
Ms. Jane Peterson, Planning Manager,
Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Planning Department
Mr. Ryan Ramsey, Planning Special Projects Manager,
Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Mike Nannery, Assistant Director
Utilities
Mr. Scott Smedley, Director,
Environmental Engineering Department
Mr. Scott Dunn, Assistant Director

Environmental Engineering Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Mr. Ray Cash, Zoning Administrator,
Planning Department

ASSEMBLY AND WORK SESSION.

Messrs. Gulley, Waller, Brown, Patton and Wallin and staff assembled at 3:30 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Mr. Gulley called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Kirk Turner requested to show a short video presentation from the Department of Media and Communications relative to Planning.

Mr. Gulley recommended it be shown after the Code Amendment Relative to Fees.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission on their own motion, resolved to amend the order of the agenda as stated.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for December, January, February and March.

IV. REVIEW DAY'S AGENDA.

Ms. Jane Peterson provided an overview to the Commission on the eight (8) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE.

There were no questions relative to the Work Program.

VI. REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions relative to the Follow-Up Items List.

VII. DISCUSSION OF CODE AMENDMENT RELATIVE TO FEES FOR SIGNS AND DEFERRAL OF PUBLIC HEARING (16PJ0107).

Mr. Ray Cash gave an overview to the Commission regarding the Code Amendment Relative to Fees for signs and Deferral of Public Hearing. Mr. Ray Cash stated regarding fees related to deferrals, the applicant would no longer be required to pay a deferral fee should the applicant consent to deferral by the Commission but they would still continue to be charged a fee should the applicant request a deferral. When the recent comprehensive sign ordinance amendments were adopted, sign permit fees were repealed. Prior to that, a fee was required for a sign in excess of eight (8) square feet, \$200 if a permanent sign and \$150 if a limited duration sign. The prior amendment had suggested sign permit fees of \$200 for any sign in excess of eight (8) square feet and \$50 for all other signs. The Board expressed concern that fees would be required for some signs that had not been required before. Therefore, the Board did not adopt the fee proposal and directed staff to study permit fees and bring forward a future amendment. The proposed amendment would require a \$200 fee for any sign in excess of eight (8) square feet excluding limited duration signs and not require a fee for all other signs.

In response to a question from Mr. Gulley relative to political signs, Mr. Cash advised political signs will not carry fees however they do require a permit.

VIII. VIDEO FROM THE DEPARTMENT OF COMMUNICATIONS AND MEDIA.

Mr. Steve Haasch gave an introduction to the Commission about a video from the Department of Communications and Media which was designed to help Planning be more effective in the outreach efforts within the community, especially as it relates to the Special Area Plans. This video may be a first in a series to better educate citizens about the Planning Department. This video will have a button on Planning's web page.

IX. UPDATE ON CAPITAL CONSTRUCTION GOALS & ACCOUNTABILITY COMMITTEE.

Dr. Wallin stated since the last meeting there has been no activity. There was a meeting today at 1:00 p.m. where a video of the initial design of Manchester Middle School was presented. The Committee was also introduced to the new Chief Operations Officer. Mr. Gulley inquired if anyone raised the question about why this COO was hired prior to a new Board coming on. Dr. Wallin stated he didn't know.

Mr. Waller stated he was at the meeting also. He stated that Mr. Gecker talked about new school locations and their impact on surrounding development, such as development that occurred around Matoaca and Cosby High Schools versus placing these facilities in existing areas. Mr. Waller stated that the next meeting is scheduled for December 14, 2015 in Room 502 at 10:30 a.m.

X. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:02 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

Mr. Gulley called the session to order.

II. INVOCATION.

Mr. Waller presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for December, January, February and March.

V. APPROVAL OF THE PLANNING COMMISSION MINUTES.

- July 23, 2015 Minutes

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to approve the July 23, 2015 Planning Commission minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- August 18, 2015 Minutes

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to approve the August 18, 2015 Planning Commission minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- September 15, 2015 Minutes

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer the September 15, 2015 minutes to the December 15, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

- **DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS – CONDITIONAL USE, CONDITIONAL USE PLANNED DEVELOPMENT AND REZONING.**

- A. 15SN0647***: In Bermuda Magisterial District, **Virginia Electric and Power Company d/b/a Dominion Virginia Power** requests amendment of conditional use (Case 10SN0114) relative to uses, construction, operation, buffering and public facilities impacts of a management facility for fossil fuel combustion products in a Heavy Industrial (I-3) District on 842.1 acres fronting the north, south and east lines of Coxendale and Old Stage Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax IDs 802-665-4390; 805-662-7764; 805-666-2525; 806-662-8465; 806-664-8063; 807-660-1776; and 811-660-3332. 📄

Mr. Brennen Keene, the applicant's representative, stated that today final proffers were added and the application was amended. There has been ongoing conversation with Transportation regarding proffers and he believes this case will be ready for December 15, 2015.

Ms. Darla Orr stated she was made aware that their final proffers were submitted and she will do what she can to accommodate the thirty (30) day deferral to be heard in December 15, 2015.

Mr. Patton stated he prefers to vote on this on his watch and to not defer it to the January 2016 public hearing.

In response to a question from Mr. Gulley, Messrs. Scott Smedley and Jesse Smith responded that their department reviews should be completed for the December 15, 2015 Planning Commission hearing.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Patton stated he is on the fence with this one.

Ms. Orr stated in order to hear the case December 15, 2015; she needs to complete her report by November 20.

Mr. Waller stated he will support Mr. Patton in a thirty (30) day deferral.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 15SN0647 to their December 15, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- E. **16SN0554:** In Matoaca Magisterial District, **O.K. Ventures, LLC** requests rezoning from Corporate Office (O-2) and Community Business (C-2) to Multifamily Residential (R-MF) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 13.4 acres fronting 740 feet on the east line of North Spring Run Road, 700 feet south of Hull Street Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (4.0 to 8.0 dwellings per acre). Tax ID 726-670-Part of 1584.

Mr. Andrew Condlin, the applicant's representative, accepted deferral by Dr. Wallin to the regularly scheduled January 2016 Planning Commission public hearing.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Dr. Wallin stated he is supportive of this deferral as a community meeting needs to take place.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to defer Case 16SN0554 to the regularly scheduled January 2016 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **CONSENT ITEMS – CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENT AND REZONING.**

- C. **15PD0205:** In Bermuda Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit a special purpose park and amendment of zoning district map in General Industrial (I-2) and Heavy Industrial (I-3) Districts on 109.8 acres fronting the east and west lines of Interstate 95, south of Chippenham Parkway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is

appropriate for Light Industrial and General Industrial uses. Tax IDs 792-684-6903; 793-682-5969; 793-683-6982; 793-684-8331; 794-679-3190; and 794-680-0468.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation. This meets all requirements of a substantial accord case. This provides for one (1) mile of river frontage on the James River, together they provide three (3) miles of river front. In the northern section a boat launch and to the south and through the more sensitive areas will be trails systems.

Mr. Gulley opened the floor for public comment.

Mr. Parker Agelasto and Mr. Peppy Jones both support the acquisition for this park.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Patton stated the public meeting was well attended and the park was supported.

On motion of Mr. Patton, seconded by Dr. Wallin the Commission resolved to recommend approval of Case 15PD0205.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- D. **16PD0149:** In Midlothian Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit a neighborhood park and amendment of zoning district map in Light Industrial (I-1) and Residential (R-9) Districts on 4.8 acres lying 570 feet off the south line of Hull Street Road, 340 feet south of Pocoshock Way. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax IDs 763-694-6448 and 8555.

Mr. Stuart Connock, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

In response to a question from Mr. Waller, Ms. Orr responded she had not received any emails or letters in opposition to this case.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 16PD0149 subject to the following condition:

CONDITION

Development of the portion of the property zoned Residential (R-9) shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in the Route 360 East Design District. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- G. **16SN0556:** In Bermuda Magisterial District, **Babes and Beyond Learning Centre** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .3 acre known as 2824 Emblem Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51-4 units/acre). Tax ID 788-688-8283.

Ms. Leanne Villegas, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 16SN0556 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for LeAnne Villegas, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6:30 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed 5 years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No more than two (2) employees shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **REZONING AND CONDITIONAL USE- PLANNED DEVELOPMENTS - OTHER.**

- B. **15SN0656***: In Midlothian Magisterial District, **Marc Greenberg and Midlothian Land Partnership, LLC** request rezoning from Community Business (C-3) to Community Business (C-3) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 25.4 acres fronting 1450 feet on the north line of Midlothian Turnpike, 330 feet west of Winterfield Road; also fronting 230 feet on the west line of Winterfield Road, 315 feet north of Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District and Planned Transition Area uses. Tax IDs 724-709-1313, 2311, 2528, 4210, 5831, 6911, 9121; 725-709-1125, 2064 and 7635

Ms. Darla Orr presented an overview and staff's recommendation for denial noting the request fails to fully address capital facility impacts for age restricted units and does not provide recommended mitigating road improvements. She noted a recent amendment to Proffered Condition 11 which does not address the cash proffer escalation consistent with the Cash Proffer Policy.

Mr. Waller inquired if the apartments along Winterfield Road are part of this case and Ms. Orr confirmed they are not part of this case.

Mr. Andrew Condlin, the applicant's representative, does not agree with staff's recommendation. He noted the applicant had a number of meetings with the Village of Midlothian Volunteer Coalition, and the property represents a transition area outside the village limits. This request adds senior apartments, reducing the square footage of the development, providing sidewalks, streetscapes, enhanced landscaping and a roundabout. The proposal provides for a mix of uses, keeping appropriate scale and context within area development, and, as an age-restricted development, the applicant asks for elimination for the school proffer. Further, the applicant does not see the need or justification for an additional lane of pavement on Midlothian Turnpike.

Mr. Gulley opened the floor for public comment.

Ms. Jodi Anderson, Ms. Amy Satterfield, Mr. Sean Beard, Ms. Natalie Rademaker and Mr. Peppy Jones all spoke against the case citing traffic issues and safety on subdivision streets; a departure from village standards relative to design, architecture and building materials; and the pending Midlothian Special Area Plan and inclusion of this property within its boundaries.

Mr. James Carreras, Mr. Albert Myer and Mr. Fred Albert, Jr. all spoke in favor of the case noting the convenience for area residents; the anticipated improvement of the property over existing conditions; quality architecture and design; walkability; and enhanced county tax base.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

In rebuttal, Mr. Conklin stated the applicant worked closely with county staff on the architectural treatment; this project will not create negative impacts on Winterfield Road; and he feels they have met many of the components of the village requirements.

In response to a question from Mr. Waller, Mr. Jesse Smith responded that with development impacts on Winterfield Road, traffic will still be at acceptable levels of service; and that while an additional lane along Midlothian Turnpike is being requested, there is no funding to widen the road beyond the project limits at this time.

Mr. Waller noted that prior actions affected the current Winterfield Road alignment; the requested additional lane of pavement on Midlothian Turnpike may not be extended due to the railroad crossing, this project will not generate students; the future limits of the village will be determined by the Special Area Plan, the project offers mixed use integrating living; and with the reduction in development density, would provide less daily traffic.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0656 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this rezoning Case 15SN0656, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia, for itself and its successor or assigns, proffers that the development of the property will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers shall be immediately null and void and of no further force or effect.

The Applicant hereby proffers the following conditions:

1. Master Plan. The Textual Statement last revised November 24, 2015 shall be considered the Master Plan. (P)
2. Access easements. Prior to any site plan approval, access easements acceptable to the Transportation Department shall be recorded from Winterfield Road and/or from Midlothian Turnpike as determined by the Transportation Department, across the Property to permit vehicular access to the parcels identified as Tax ID 725-709-7211 and Tax ID 725-709-5083. (T)
3. Access Winterfield. Direct vehicular access from the Property to Winterfield Road shall be limited to one (1) entrance/exit at the existing roundabout on Winterfield Road. The exact location of this access shall be approved by the Transportation Department. Nothing herein shall preclude access to the Property through other adjacent properties to Winterfield Road. (T)

4. Access Midlothian Turnpike. Direct vehicular access from the Property to Midlothian Turnpike shall be limited to two (2) entrances/exits.
 - a. Eastern Access: The eastern access shall align with the existing crossover on Midlothian Turnpike located just west of the Winterfield Road/Le Gordon Drive/Midlothian Turnpike intersection and generally as shown on Exhibit 'A' of the Textual Statement and defined in the Textual Statement as the Concept Plan (the "Concept Plan"). The eastern access shall be limited to left and right-turns-in and right-turns-out only and shall be designed as a divided boulevard with street trees and landscaped median and shall intersect with an east-west main street at a landscaped traffic circle.
 - b. Western Access: The western access shall be located at the western Property line, and shall generally align with the existing crossover on Midlothian Turnpike that aligns Old Otterdale Road, located generally as shown on the Concept Plan. The exact locations of these accesses shall be approved by the Transportation Department. (T)
5. Burning ban. The Developer shall not use burning to clear or timber the Property. (EE, F)
6. Transportation improvements. The Developer shall be responsible for the following improvements. The exact length and design of the following improvements shall be approved by the Transportation Department:
 - a. Construction of additional pavement along the westbound lanes of Midlothian Turnpike at both the eastern and western access to Midlothian Turnpike, and at the Winterfield Road intersection, to provide separate right turn lanes for each such access.
 - b. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the western access from Midlothian Turnpike into the Property to provide adequate left turn lane.
 - c. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the eastern access from Midlothian Turnpike into the Property to provide an adequate left turn lane.
 - d. Construction of a large raised median within the eastern access from Midlothian Turnpike into the Property to preclude vehicles exiting the Property from traveling east on Midlothian Turnpike.

- e. Full cost of traffic signalization of the western access/Old Otterdale Road/Midlothian Turnpike intersection, if warranted, as determined by the Transportation Department.
 - f. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement identified above, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses or has chosen not to assist the developer in the acquisition of the "off-site" right-of-way, the developer shall only be required to provide road improvements within available right-of-way as determined by the Transportation Department. (T)
7. Road Improvement Phasing. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department, or as may be revised and approved by the Transportation Department. (T)
8. Commercial Density. Unless requested by the developer and modified by the Planning Commission, the maximum density of the non-residential portion of the development shall be a maximum of 4,000 square feet of Day Care Center, 12,000 square feet of Medical-Dental Office, 15,000 square feet of Shopping Center, 18,000 square feet of Supermarket, 4,500 square feet of High-Turnover Sit-Down Restaurant, 5,500 square feet of Sit-Down High-Turnover Restaurant and 4,000 square feet of Fast-Food Restaurant with Drive-Through Window, or such other uses so long as the maximum estimated traffic impact that is produced by the non-residential development is no greater than 444 AM peak hour trips and 666 PM peak hour trips, as determined by the 9th Edition of the ITE Code. (T)
9. Residential density. There shall be a maximum of two hundred fifty (250) dwelling units. (P)
10. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, all dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (P, B)
11. Impacts. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building

permit, for infrastructure improvements within the service district for the property, unless state law prevents enforcement of that timing:

- a. \$11,152 per dwelling unit (being the full cash proffer policy amount less the allocation designated for schools) for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
- b. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B)

12. Open Space/Pedestrian Areas. The areas designated as "OPEN SPACE" on the Concept Plan adjoining the ponds (described in Proffered Condition 13) shall include pedestrian's paths and public spaces adjacent to the lake/pond. These pedestrian areas shall be designed to include amenities that add high visual interest, such as, but not limited to: decorative paving units; decorative pedestrian-style lighting; benches; landscaped areas; plantings; bike racks; plazas; water features; gathering areas; and other pedestrian elements. Pedestrian trails, walks and amenities shall also be provided throughout the development as generally shown on the Concept Plan. The exact design, material and location of pedestrian elements shall be approved by the Planning Director as part of plan approval. (P)

13. Pond. The existing pond located on Tax IDs 724-709-7661 and 725-789-1125 shall substantially remain as it currently exists and is the intended stormwater compliance BMP for the development. It shall be upgraded so as to achieve an engineering certification that the pond's construction is in conformance with the design as contained in the approved site plan entitled "Midlothian Town Center – Pond" Site Plan # 08PR0231. To the degree that the ability to perform required BMP maintenance is not compromised, the pond will be aesthetically enhanced. Modification of the pond may occur if otherwise required by law or governmental regulation. All stormwater management facilities shall be designed as visual amenities to create water views. Such facilities shall include fountain type aerators unless otherwise restricted by law or governmental regulation. (EE, P)

14. Clubhouse and Amenities. Prior to the issuance of certificates of occupancy for more than one hundred (100) dwelling units, amenities shall be provided to the residents of such dwelling units, including, but not limited to, a clubhouse and fitness center. The clubhouse and fitness center shall be permitted to be

contained within one of the residential buildings or within a separate building. Both interior and external amenities shall be provided on the multi-family residential tract within and surrounding the residential buildings, such as one or more of the following: meeting rooms, community gathering space for residential group activities, media room and entertainment lounge, business center, and exterior gathering spaces, courtyards, outdoor game areas and paths. All such amenities to be provided shall total a minimum of 5,000 square feet in area and shall be completed prior to the issuance of the certificates of occupancy for more than two hundred dwelling units. (P)

15. Sidewalks. Sidewalks and crosswalks shall be constructed along the west side of Winterfield Road and north side of Midlothian Turnpike for the entire length of the Property adjacent to such roads. Such sidewalks shall be constructed to required VDOT standards and materials and shall be a minimum of five (5) feet in width. There also shall be an internal system of sidewalks and crosswalks within the development in the locations and constructed of decorative materials as generally shown on the Concept Plan. (P)
16. Landscaping.
 - a. Midlothian Turnpike. A continuous hedgerow a minimum of 3 feet in height and a variable width undulating berm with an average height of 3 feet shall be installed along Midlothian Turnpike as approved by the Planning Director at the time of plan approval.
 - b. Winterfield Road. If approved by VDOT, landscaping and ornamental features shall be installed within the round-about on Winterfield Road. (P)
17. Street Lights. Decorative goose neck street lights will be provided along the Property boundary as it adjoins Winterfield Road and Midlothian Turnpike with a spacing of approximately 80 feet on center. Goose neck street lights will also be provided along those internal roads designated on the Concept Plan as "WESTERN ENTRANCE ROAD", "MAIN STREET", and "SHARED ENTRANCE ROAD". The specific light fixture and spacing shall be approved by the Planning Director in conjunction with plan approval. The installation of the street lights may be phased as approved by the Planning Director based on the extent of the plan approval. (P)
18. Drainage Easement. To the extent that it is within the property subject to this case, and within 30 days of a request by the Environmental Engineering Department, the existing 16 foot drainage easement as shown on the plat by Jordan Consulting Engineers, dated January 19, 1993, as revised on March 26, 1993, shall be

recorded as an easement dedicated to the County of Chesterfield on its present alignment or an altered alignment which is satisfactory to the County of Chesterfield. (EE)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- F. **16SN0555:** In Matoaca Magisterial District, **Luz Ramirez** requests conditional use planned development relative to a required buffer and setbacks and amendment of zoning district map in a Residential (R-12) District on 0.4 acre known as 14506 Tealby Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 726-658-5913.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial noting the request will create an increase in adverse noise, glare and privacy impacts, it reduces the continuity of an existing buffer area and there is insufficient visual separation between development and the roadway. Staff has worked with the applicants to proffer conditions to help mitigate the encroachments.

Mr. Ramirez, the applicant, requested approval from the Commission and agrees to the proffers.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Dr. Wallin stated the pool received a building permit; the buffer encroachment is mainly from the concrete apron. The Collington HOA supports the plan to establish a vegetative buffer that will be bonded by the applicant for one (1) year, and the new plantings will provide adequate separation and screening from Springford Parkway.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 16SN0555 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Buffer. The portion of the variable width buffer located on the request property (Lot 18), as recorded on the subdivision plat titled "Collington Section 3", shall be deleted.

(Staff Note: The remaining portion of this variable width buffer shall remain on the adjoining community open space area, identified as Tax ID 726-658-8126). (P)

2. Fence. A six (6) foot tall privacy fence, as located on Exhibit A, shall be maintained on the property to reduce the visibility of the pool, pool deck and accessory building (shed) from Springford Parkway. (P)
3. Certificate of Occupancy and Off-Site Buffer Plantings.

- a. A certificate of occupancy for the existing pool shall be obtained by the applicant no later than April 15, 2016. (P)
- b. Prior to the issuance of this certificate of occupancy, landscaping of the adjoining open space area along Springford Parkway (Tax ID 726-658-8126) as generally shown on Exhibit A shall be completed. Modifications to the location of landscaping may be approved by the Planning Department through the review and approval of a final landscape plan as outlined in subsection 3.c.1.
- c. Prior to the installation of any landscaping identified in Proffered Condition 3.b, the following items shall be submitted to the Planning Department:
 1. A final landscape plan, noting the species, size and location of plantings.
 2. A landscape contractor's estimate, satisfactory to the Director of Planning.
 3. To insure replacement of unhealthy, dying, dead or pollarded landscaping within the first year of installation, a form of surety satisfactory to the Director of Planning in an amount equal to fifty (50) percent of the cost of initial installation of the required landscaping shall be submitted. (P)
4. Accessory Building Setback. The accessory building, labeled "Shed" on Exhibit B, shall be permitted to be located no closer than four and six tenths (4.6) feet to the rear property line. This exception shall not apply to any future structures on the request property. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- H. **16SN0560:** In Bermuda Magisterial District, **Pete Borches and CMA Properties, Inc.** request conditional use planned development and amendment of zoning district map to permit exceptions to ordinance requirements relative to setbacks and landscaping in a General Business (C-5) District on 4.2 acres fronting 545 feet on the north line of Ruffin Mill Road, 1,850 feet southeast of Woods Edge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 805-638-4331.

Mr. Robert Clay presented an overview and staff's recommendation for denial noting the reduced required landscaping is inadequate to offset visual impacts and setback encroachment for excess inventory vehicle parking represents overdevelopment; adversely impacting landscaping. He noted that the applicant has reduced the number of proposed vehicle display pads, as reflected in the Addendum.

Mr. Pete Borches, the applicant, requested approval from the Commission, adding the five (5) display pads will work well with proffered landscaping.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 16SN0560 and acceptance of the following proffered conditions and addendum:

PROFFERED CONDITIONS

1. The Textual Statement dated November 2, 2015, and the Exhibit Titled “#2122 Ruffin Mill Road Colonial Subaru – CUPD”, prepared by Townes Site Engineering, and dated 09/04/2015, shall be considered the master plan for the location of vehicle display pads and parking exceptions. A maximum of 5 vehicle display pads and 37 parking spaces shall be located at this reduced setback. (P)
2. Access to and from the vehicle display areas shall be prohibited from Ruffin Mill Road. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

I. CODE AMENDMENT RELATIVE TO FEES FOR SIGNS AND DEFERRAL OF PUBLIC HEARING (16PJ0107)

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 19.1-41 and 19.1-272 related to signs and deferral fees. Among other things, the proposed amendment will require a fee of \$200 for signs, excluding limited duration signs, built or enlarged to be in excess of eight (8) square feet, and for modifications thereto. In addition, the amendment would eliminate the requirement for applicant to pay deferral fee when consenting to a deferral of a public hearing/meeting initiated by Board of Supervisors or Planning Commission.

Mr. Ray Cash presented an overview to the Commission relative to fees for signs and fees relative to deferrals of public hearing or meetings. There is no fee if the deferral is not by applicant request, but the applicant would be responsible for the fee if they request the deferral.

At the time of adoption of the recent sign ordinance amendment, the Board repealed existing fees and directed staff to review the fees for signs. The proposed amendment recommended by staff would require a fee of \$200 for a sign, excluding a limited duration sign, greater than eight (8) square feet in size. Other signs would not pay a fee but would still require planning permit approval.

Mr. Gulley opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Patton, the Commission on their own motion resolved to approve the changes to Sections 19.1-41 and 19.1-272 of the Code of Chesterfield 1997, as amended, by amending and reenacting the changes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

X. OTHER BUSINESS.

There was no other business discussed.

XI. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments on unscheduled matters.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Wallin, seconded by Mr. Patton that the meeting adjourned at 7:50 p.m. to Tuesday, December 15, 2015 at 4:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

Chairman/Date

Secretary/Date